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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,077	02/19/2002	Katsutoshi Tenma	UNIUS6.001AUS	7042

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/079,077

Applicant(s)

TENMA ET AL.

Examiner

Steven M Marsh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the first office action for U.S. Application 10/079,077 for a Supporting Device for Non-Averaged Force filed by Katsutoshi Tenma et al. on February 19, 2002.

#### ***Specification***

The disclosure is objected to because of the following informalities: Line 18 of Page 1 reads, "that the pipe bodes 3 within". The word "bodes" should be deleted and replaced with - - bodies - -. Line 22 of Page 1 reads "difficult to be performed". The words "be performed" should be deleted and replaced with - - perform - -. Also, the formatting of the specification is such that lines with a large number of words, contain words that are not separated by spaces and therefore appear to be one continuous word. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,092,036 for a Sato et al. Sato et al. discloses a support for a pipeline with a frame (10) that is fixed to a supporting portion (14b) and a fixing mechanism (Figs. 6a-6c) that serves to fix a pipe body (14a) to the frame. The frame is provided with an

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edge portion for receiving an outer surface of the pipe body from one side in a radial direction of the pipe body. The fixing mechanism is arranged in that a wedge body (or movement blocking body 35) with a pair of edges (40) is provided, which is capable of blocking movement of the pipe body in a pipe axial direction with respect to the frame upon being pressed (or pinched) against an outer surface of the pipe body. The wedge bodies surround the pipe at a plurality of intervals and provide a wedge action upon the pipe at the different intervals. Sato et al. also discloses a prior art version of the pipe support (see fig. 8) where the fixing mechanism is arranged in that male screw members are provided to block movement of the pipe body in the axial direction with respect to the frame by pressing an outer surface of the pipe body with their indented tip end portions in a condition in which they are screwed into female screw portions in the frame.

Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,800,867 to Smith. Smith discloses a supporting device for a pipe with a frame (11 and 12) and a fixing mechanism (35) that fixes a pipe body to the frame. The frame has a first receiving portion (11) that has an edge portion (22) that can receive an outer surface of a pipe body from one side in a radial direction and a second receiving portion (12) that has an edge portion (22) that can receive an outer surface of the pipe body from the other side, wherein the first and second portions can be released from engagement with the pipe body. The edge portion is in a posture that is in line with a peripheral direction of the first receiving portion or the second receiving portion, and

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there are a plurality of edge portions disposed at specified intervals in the peripheral direction and an axial core direction of the first and second receiving portions.

Claims 16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,182,504 to Bernhard. Bernhard discloses a support for a pipe that has a ring (or belt) body (14) for enclosing a pipe body. There are pluralities of pressing portions (26) that press the pipe body from outside in a radial direction while being disposed in a peripheral direction of the ring body. There is also a frame (16) that is provided as a separate body than the ring portion and fixed to a fixing portion and has separate frame members (42, 46) arranged in a pipe axial direction of the pipe body.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith. Smith does not disclose edge portions that have a mixed or inclined orientation, however, the orientation of the edge portions is a matter of engineering preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sota et al. Sota et al. does not disclose three or more edge portions on the movement blocking

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body that are pressed against the outer surface of the pipe body. However, Sota et al. does disclose two edge portion for pressing against the outer surface of the pipe body, and the number of edge portions used is a matter of engineering preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claims 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhard. The supporting portion for receiving the ring body taught by Bernhard is not concave. However, the supporting portion has an inverted shape and the edges form a segmented concave like shape. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a concave shape for the supporting portion taught by Bernhard, as a substitute for the inverted shape, as a matter of design preference. Bernhard does not disclose three restricting portions for restricting the ring body. However, Bernhard discloses two restricting portions (30 and 32) for restricting the ring body and the exact number of restricting portions is a matter of engineering preference.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,492,015 to Dearman

U.S. Patent 3,550,638 to Smith

U.S. Patent 4,356,615 to Dearman

U.S. Patent 5,165,160 to Poncelet

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U.S. Patent 6,533,331 B2 to Hulsebos et al.

U.S. Patent 5,947,527 to Carter

U.S. Patent 4,848,808 to Pannell et al.

U.S. Patent 5,772,252 to Malani

U.S. Patent 3,898,714 to McFadden

U.S. Patent 3,705,453 to Olson

The above patents disclose various types of conduit supports.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

*SM*

Steven M. Marsh

April 7, 2003

*Anita King*  
ANITA KING  
PRIMARY EXAMINER